



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Larry Carr, Council Member
Mark Grzan, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Steve Tate, Vice-Chair
Larry Carr, Agency Member
Mark Grzan, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, AUGUST 3, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 1

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Retiring Planning Commissioner Charles Weston
Mayor Kennedy

Walt Glines, Editor – Morgan Hill Times
Carol Holzgrafe, City Hall Reporter – Morgan Hill Times
Mayor Kennedy

INTRODUCTIONS

Public Works Employees
Director of Public Works Ashcraft

CITY COUNCIL REPORT

Council Member Grzan

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

ITEMS 1-6 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **APPROVAL OF SETTLEMENT AGREEMENT FOR TENNANT AVENUE WIDENING PROJECT** 1
Recommended Action(s): Ratify Settlement Agreement for the Hernandez Property (APN: 817-04-006) as Identified in the Staff Report.

2. **AMENDMENT TO COST SHARING AGREEMENT WITH SANTA CLARA VALLEY WATER DISTRICT FOR LLAGAS CREEK FLOOD PROTECTION (PL 566) TECHNICAL STUDIES** 3
Recommended Action(s):
 1. **Approve** Appropriation of \$40,000 from Current Year Unappropriated Drainage Fund (304, Non-AB 1600) Balance for this Project; and
 2. **Authorize** the City Manager, Subject to City Attorney Review and Approval, to Execute an Amendment to a Cost Sharing Agreement with the Santa Clara Valley Water District Increasing the City's Share by \$40,000.

3. **REQUEST TO CO-SPONSOR CENTENNIAL EVENTS AT THE COMMUNITY AND CULTURAL CENTER** 7
Recommended Action(s):
 1. **Agree** to Co-Sponsor Centennial Morgan Hill Committee's Centennial Events at the Community & Cultural Center; and
 2. **Appropriate** \$10,000 from the General Fund Reserves.

Time Estimate

Consent Calendar: 1 - 10 Minutes

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4. **ADOPT ORDINANCE NO. 1732, NEW SERIES**9
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1732, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN R-2/RPD ZONING AMENDMENT TO ESTABLISH A RESIDENTIAL PLANNED DEVELOPMENT OVERLAY ON A 10.44 ACRE SITE LOCATED ON THE SOUTHWEST CORNER OF EAST DUNNE AVENUE AND SAN BENANCIO WAY. (APNs 817-11-067 & 817-11-072).**
5. **ADOPT ORDINANCE NO. 1733, NEW SERIES**15
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1733, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 04-09 FOR APPLICATION MP-02-06: EAST DUNNE - DEMPSEY & MP-04-12: EAST DUNNE - DELCO (APNs 817-11-067 & 817-11-072).**
6. **ADOPT ORDINANCE NO. 1734, NEW SERIES, AS AMENDED**21
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1734, New Series, As Amended, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE MORGAN HILL MUNICIPAL CODE, CHAPTER 18.50 OFF-STREET PARKING AND PAVING STANDARDS, TO ESTABLISH EXEMPTIONS FOR DOWNTOWN DEVELOPMENT PROJECTS.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 7

Time Estimate

Consent Calendar: 1 - 10 Minutes

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7. **CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT MARKETING PLAN FOR FISCAL YEAR 2005-2006** 27
Recommended Action(s): **Authorize** the Executive Director to Prepare and Execute an Agreement, in an Amount not to Exceed \$125,000, with the Morgan Hill Chamber of Commerce to Implement their Economic Development Marketing Plan for Fiscal Year 2005-2006; Subject to Review and Approval of Agency Counsel.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 8

Time Estimate

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Consent Calendar: 1 - 10 Minutes

8. **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JULY 20, 2005**..... 39

City Council Action

PUBLIC HEARINGS:

Time Estimate

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9. 10 Minutes **GENERAL PLAN AMENDMENT, GPA-04-07 AND ZONING AMENDMENT, ZA-04-14 FOR SUNSWEET OPPORTUNITY SITE, TO ESTABLISH DENSITY OF 25-40 UNITS PER ACRE AND PLANNED UNIT DEVELOPMENT ZONING AND DESIGN GUIDELINES, TO IMPLEMENT THE DOWNTOWN PLAN**47
- Public Hearing Opened.
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed
Council Discussion.
Action- **Adopt** Resolution Amending the General Plan.
Action- **Motion to Waive** the Reading in Full of the Zoning Amendment Ordinance.
Action- **Motion to Introduce** Zoning Amendment Ordinance by Title Only. (Roll Call Vote)

City Council Action

OTHER BUSINESS:

Time Estimate

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10. 10 Minutes **SOUTH COUNTY AIR QUALITY ISSUES**.....79
Recommended Action(s): Receive Report to be presented at the City Council Meeting.
11. 30 Minutes **MORGAN HILL LIBRARY APPROVAL OF DESIGN DEVELOPMENT**.....81
Recommended Action(s):
1. **Approve** Design Development Drawings for the Library; and
2. **Authorize** Staff to Proceed with the Construction Document Phase of the Design Process.
12. 5 Minutes **SWIM TEAM LANE ASSIGNMENT POLICY FOR THE 50 METER POOL AT THE MORGAN HILL AQUATICS CENTER**.....87
Recommended Action(s): Accept the Parks and Recreation Commission's Recommendation for Lane Allocation at the Aquatics Center.

OTHER BUSINESS:

	Time Estimate		Page
13.	60 Minutes	<u>2005-2006 OPERATING PLAN FOR THE MORGAN HILL AQUATICS CENTER</u>	89
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> Proposed Operating Plan and Related Recommendations; and	
		2. <u>Direct</u> Staff to Report Monthly on the Aquatic Center's Financial Status Throughout 2005-2006, and Identify Corrective Action if Needed.	
14.	15 Minutes	<u>APPROVAL OF COMMUNITY PARK MASTER PLAN AND MITIGATED NEGATIVE DECLARATION</u>	131
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Mitigated Negative Declaration;	
		2. <u>Approve</u> Mitigation Monitoring and Reporting Program; and	
		3. <u>Approve</u> Community Park Master Plan.	
15.	10 Minutes	<u>AGREEMENT TO PARTICIPATE AS NON-VOTING LOCAL PARTNER TO PREPARE SANTA CLARA VALLEY HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN (HCP/NCCP)</u>	149
		<u>Recommended Action(s):</u>	
		1. <u>Authorize</u> the City Manager to Execute the Non-Voting Local Partner Agreement; and	
		2. <u>Amend</u> the Fiscal Year 2005-2006 Budget to Include \$111,000 in the General Plan Update Contract Services Account for the HCP/NCCP from the Following Sources:	
		\$31,000 General Plan Update Fund (<i>facilitates Open Space & Conservation Elements of GP</i>)	
		\$20,000 Community Development Fund (<i>facilitates environmental reviews of projects</i>)	
		\$10,000 Water Impact Fund (<i>facilitates permitting for water projects</i>)	
		\$10,000 Sewer Impact Fund (<i>facilitates permitting for sewer projects</i>)	
		\$10,000 Parks Impact Fund (<i>facilitates permitting for parks projects</i>)	
		\$10,000 Storm Drainage Impact Fund (<i>facilitates permitting for storm drainage projects</i>)	
		\$20,000 Traffic Impact Fund (<i>facilitates permitting for roadway projects</i>)	
		3. <u>Authorize</u> Transmittal of the First Year's \$111,000 to the County of Santa Clara.	
16.	15 Minutes	<u>COMMITMENT TO ANNEX UNINCORPORATED ISLANDS LOCATED WITHIN THE URBAN SERVICE AREA</u>	197
		<u>Recommended Action(s):</u>	
		1. <u>Direct</u> Staff to Prepare Initiation of Island Annexations Under the Provision of Government Code Section 56375.3, for those Identified on the Chart; and	
		2. <u>Request</u> that the County Provide the Necessary Mapping, Legal Descriptions, and Surveyor's Reports for the Islands Identified in the Chart.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT